

Notice of Allowability

Application No.

10/656,185

Examiner

Dixomara Vargas

Applicant(s)

OKADA ET AL.

Art Unit

2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 08/17/04.
2. ☒ The allowed claim(s) is/are 1-17.
3. ☒ The drawings filed on 08 September 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 09/24/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Melvin Kraus on October 28, 2004.

The application has been amended as follows:

2. In claim 1, line 5, delete -- spit --, and after "divided", insert "split".
3. In claim 4, line 5, delete -- spit --, and after "divided", insert "split".
4. In claim 7, line 5, delete -- spit --, and after "divided", insert "split".
5. In claim 8, line 5, delete -- spit --, and after "divided", insert "split".

Allowable Subject Matter

6. Claims 1-17 are allowed.
7. The following is an examiner's statement of reasons for allowance:
 - a. With respect to claim 1, the claim has been allowed over the prior art of record because the prior art of record fails to teach or fairly suggest a supersensitive NMR apparatus comprising a biosample including one of cells, organic tissues and laboratory small animals inserted in a sample chamber of generally 1 to 30 mm in diameter at a

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center of the gradient magnetic field; and position information is applied to the NMR signal by the gradient magnetic field in combination with the remaining limitations of the claim.

b. With respect to claims 4, 7, 8, 13, 16 and 17, the claims have been allowed over the prior art of record because the prior art of record fails to teach or fairly suggest a supersensitive NMR apparatus comprising a receiver coil is formed of one of oxide high temperature superconducting material and magnesium diboride, wherein the coil temperatures are between 5K and 40K inclusive in combination with the remaining limitations of the claim.

c. With respect to claim 9, the claim has been allowed over the prior art of record because the prior art of record fails to teach or fairly suggest a supersensitive NMR apparatus comprising a protein sample wherein the protein sample dissolved into liquid is inserted into the sample tube in the sample chamber, and a protein crystal can be grown in the gradient magnetic field in combination with the remaining limitations of the claim.

d. With respect to claims 2, 3, 5, 6, 10-12, 14 and 15, the claims have been allowed due to their dependency on claims 1, 4, 7-9, 13, 16 and 17 above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dixomara Vargas whose telephone number is (571) 272-2252.

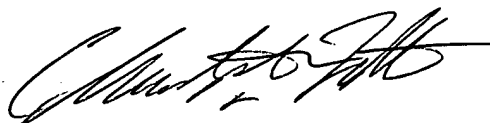
The examiner can normally be reached on 8:00 am. to 4:30 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dixomara Vargas
Art Unit 2859
October 28, 2004



Diego Gutierrez
Supervisory Patent Examiner
Technology Center 2800

**CHRISTOPHER W. FULTON
PRIMARY EXAMINER**